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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 THERESA ORTLOFF,

10 Plaintiff,

11 v.

12 DAVID TRIMMER, *et al.*,

13 Defendants.
14

Case No. 16-1257RSL

ORDER GRANTING
MOTION FOR LEAVE TO
AMEND COMPLAINT

15 This matter comes before the Court on “Plaintiff’s Motion to Amend Complaint and
16 Conform Pleadings to the Evidence.” Dkt. # 61. Courts “should freely give leave [to amend]
17 when justice so requires.” Fed. R. Civ. P. 15(a)(2). There is a “strong policy in favor of allowing
18 amendment” after “considering four factors: bad faith, undue delay, prejudice to the opposing
19 party, and the futility of amendment.” Kaplan v. Rose, 49 F.3d 1363, 1370 (9th Cir. 1994).
20 Where a plaintiff seeks to amend her pleading after the deadline established in the case
21 management order, the moving party must show good cause for modifying the deadline. Fed. R.
22 Civ. P. 16(b)(4); Dkt. # 16.

23 Plaintiff seeks to amend her complaint based on documents disclosed at or near the end
24 of discovery. These documents, plaintiff asserts, support factual allegations relevant to a cause
25 of action in her complaint, see Dkt. # 1, and she seeks to add those factual allegations
26 accordingly. Because the additional factual allegations stem from documents disclosed at or near
27 the end of discovery and well beyond the deadline for amending pleadings, the Court finds good
28 cause for modifying that deadline. See Fed. R. Civ. P. 16(b)(4).

1 Defendants oppose the motion because discovery has already closed and also point to
2 their pending motion for summary judgment. Plaintiff does not seek to reopen discovery, see
3 Kaplan, 49 F.3d at 1370, and the Court does not read plaintiff's proposed amended complaint as
4 adding parties or claims, see Dkt. # 63, Ex. E. Regarding defendants' pending motion, Dkt. # 36,
5 the factual allegations plaintiff seeks to add and the documents supporting those allegations
6 were included in that motion's briefing. The Court will consider that motion, including those
7 documents, on the merits.

8 Although the Court grants plaintiff's motion, the Court is compelled to point out plaintiff
9 counsel's scant discussion of the actual legal standard under Rule 16 or applicable case law and
10 plaintiff counsel's questionable choice to request in this motion's reply brief that the Court *sua*
11 *sponte* enter partial summary judgment in several respects. Furthermore, the Court admonishes
12 plaintiff counsel to reflect carefully in the future before leveling serious accusations—such as
13 intentionally withholding documents, Dkt. # 61 at 2—against the office of the Attorney General
14 of Washington, which represents defendants in this case.

15 For the foregoing reasons, plaintiff's motion, Dkt. # 61, is GRANTED. Plaintiff shall file
16 an amended complaint consistent with the proposed amendments she has submitted, Dkt. # 63,
17 Ex. E, within ten days of this order. Defendants shall plead in response within ten days after
18 service of the amended complaint.

19 DATED this 22nd day of December, 2017.

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22 Robert S. Lasnik
23 United States District Judge
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